



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,072	01/21/2004	Robert F. Sheppard	200901410-1	3704

22879 7590 01/20/2011

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
3404 E. Harmony Road
Mail Stop 35
FORT COLLINS, CO 80528

EXAMINER

KARDOS, NEIL R

ART UNIT	PAPER NUMBER
----------	--------------

3623

NOTIFICATION DATE	DELIVERY MODE
-------------------	---------------

01/20/2011

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JERRY.SHORMA@HP.COM
ipa.mail@hp.com
laura.m.clark@hp.com

Office Action Summary	Application No.	Applicant(s)	
	10/763,072	SHEPPARD, ROBERT F.	
	Examiner	Art Unit	
	NEIL R. KARDOS	3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 November 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 and 16-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 and 16-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date. _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is a **FINAL** Office Action on the merits in response to communications filed on November 10, 2010. Currently, claims 1-14 and 16-30 are pending and have been examined.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection. The new grounds of rejection is necessitated by Applicant's amendments to the claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 1-3, 6, 7, 9, 16-19, 22, 23, and 25 are rejected under 35 U.S.C. 102(e) as being anticipated by O'Conner (US 2005/0138074).

Claim 1: O'Conner discloses a sever system configured to manage information technology (IT) infrastructure of an enterprise, the server system comprising at least one electronic computing device configured to execute a centralized logistics and management (CLAM) tool (see figures 1 and 2) operable to:

- in a capture phase:

Art Unit: 3623

- capture and store IT infrastructure information regarding the IT infrastructure of the enterprise (see figure 3, depicting captured IT infrastructure information stored in a database; paragraph 59 et seq., describing figure 3);
- define a plurality of roles within the enterprise, each role specifying a particular job function within the enterprise (see figure 3, disclosing roles of IT Consumer, IT Clients, IT Staff, and IT Vendors; figures 6-7, depicting roles of Business Owners, Executive Sponsors, IT Staff, and Organizational Units; paragraphs 72 and 89, disclosing linking applications and application interfaces to business owners, which are the personnel within the organization that use the application or interface; paragraphs 72 and 90, disclosing linking applications and application interfaces to sponsors, which are personnel responsible for advocating for the application or interface; paragraphs 74 and 91, disclosing linking applications and interfaces to IT staff, which are the personnel within the organization responsible for servicing the applications and interfaces; paragraphs 75 and 92, disclosing linking applications and interfaces to organizational units that use the application or interface; see also paragraphs 76, 93, 122-125, and 130, disclosing linking business processes to business owners, sponsors, functional groups, and software applications; paragraphs 137 and 149, disclosing identifying clients in an organization that use IT services; paragraphs 219-220);
- assign first items of IT infrastructure to a first role within the enterprise and assign second items of IT infrastructure to a second role within the enterprise, wherein the second items include one or more items of IT infrastructure not included in the

Art Unit: 3623

first items (see figures 3, 6, and 7, and paragraphs 72-75 and 89-92 as discussed above; these items disclose assigning different items of IT infrastructure to different roles); and

- assign the first role to first employees of the enterprise, which assigns the first items of IT infrastructure to the first employees of the enterprise, and assign the second role to second employees of the enterprise, which assign the second items of IT infrastructure to the second employees of the enterprise, wherein the second employees include one or more employees of the enterprise not included in the first employees (see figures 3, 6, and 7, and paragraphs 72-75 and 89-92 as discussed above; these items disclose assigning different items of IT infrastructure to different employees);
- in a modeling phase, model a change in the first items of IT infrastructure assigned to the first employees of the enterprise, and model a change in the second items of IT infrastructure assigned to the second employees of the enterprise (see paragraphs 240-264, disclosing an impact summary that provides an overview of items affected by a potential IT project);
- in a deployment phase, automatically initiate deployment of the modeled change in the first items of IT infrastructure assigned to the first employees of the enterprise, which includes organizing delivery of the modeled change in the first items of IT infrastructure to implement the modeled change in the first items of IT infrastructure, and automatically initiate deployment of the modeled change in the second items of IT infrastructure assigned to the second employees of the

Art Unit: 3623

enterprise, which includes organizing delivery of the modeled change in the second items of IT infrastructure to implement the modeled change in the second items of IT infrastructure (see paragraph 241, disclosing an implementation stage for a modeled IT project; paragraphs 308-328, disclosing implementing an IT project, including scheduling, allocating resources, and tracking actuals).

Claim 2: O'Conner discloses wherein the IT infrastructure of the enterprise comprises one or more computer-related facilities, services, and installations used for operations of the enterprise, comprising one or more of computer hardware and computer software (see figure 3 and paragraphs 61-103, disclosing IT applications/software; figure 3 and paragraphs 104-117, disclosing IT assets/hardware).

Claim 3: O'Conner discloses wherein the capture phase comprises an existing IT assets area for capturing an existing view of IT infrastructure assets of the enterprise, the existing IT assets area comprising one or more of: asset profiles for IT infrastructure assets of the enterprise, employee profiles for employees of the enterprise, location profiles for locations associated with the enterprise, and division profiles for divisions of the enterprise (see figure 3 and paragraphs 61-117, as discussed above).

Claim 6: O'Conner discloses wherein the change in the IT infrastructure of the enterprise comprises a technology refresh for one of: a particular employee of the enterprise, a particular group of employees of the enterprise, all employees of a division of the enterprise, all employees

Art Unit: 3623

of the enterprise (see paragraph 241, disclosing that the impact may be for an organizational unit; paragraph 249, disclosing business owner identifiers that identify personnel affected by the IT project; see figure 30 disclosing an enhancement project, among other projects).

Claim 7: O'Conner discloses wherein the change in the IT infrastructure of the enterprise comprises a technology refresh for one or more of: a particular workspace of the enterprise, a work area comprising a plurality of workspaces, a building of the enterprise, and all sites associated of the enterprise (see paragraphs 69, 86, 114-115 and 219-221, disclosing the location of where an IT item is used; paragraph 263, disclosing locations affected by an IT project).

Claim 9: O'Conner discloses wherein the modeling phase comprises modeling a change to the IT infrastructure of the enterprise according to one or more of: network topology considerations, and one or more business rules associated with the enterprise (see paragraphs 254-264, disclosing aligning the IT project with business objectives/processes/rules).

Claim 16: O'Conner discloses a database operable to store the IT infrastructure information regarding the IT infrastructure of the enterprise (see figure 3).

Claims 17-19, 22, 23, and 25: Claims 17-19, 22, 23, and 25 are substantially similar to claims 1-3, 6, 7, and 9, and are rejected under similar rationale. Claims 17-19, 22, 23, and 25 are directed to a non-transitory computer readable medium storing instructions for controlling a

Art Unit: 3623

server computer to perform a method with the elements of claims 1-3, 6, 7, and 9. O'Conner discloses such a computer readable medium (see paragraph 377).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 4, 5, 8, 20, 21, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Conner (US 2005/0138074) in view of Gullotta (US 6,985,955).

Claim 4: O'Conner does not explicitly disclose wherein the CLAM tool is further operable to, if a role assigned to a particular employee is changed to a different role, change the items of IT infrastructure associated with the particular employee to reflect the different role. Gullotta discloses this limitation (see column 18: lines 13-18, disclosing making provisioning adjustments if a user's roles and attributes change). It would have been obvious to one of ordinary skill in the art at the time the invention was made to change O'Conner's associations between users and IT items if the user's role changes, as taught by Gullotta. One of ordinary skill in the art would have been motivated to do so for the benefit of allowing users to access IT items that are required for their role (see Gullotta: column 1: lines 62-67).

Claim 5: O'Conner does not explicitly disclose wherein for a particular employee who is assigned one or more roles, the CLAM tool is further operable to assign one or more additional

Art Unit: 3623

items of IT infrastructure to the particular employee such that the particular employee receives one or more additional items of IT infrastructure. Gullotta discloses this limitation (see column 18: line 60 through column 19: line 24, disclosing provisioning multiple items of IT to a user with multiple roles). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow user's of O'Conner's system to have multiple roles with multiple IT item assignments based on those roles as disclosed by Gullotta. One of ordinary skill in the art would have been motivated to do so for the benefit of allowing users to access IT items that are required for all of the roles that they perform (see Gullotta: column 1: lines 62-67).

Claim 8: O'Conner does not explicitly disclose wherein the change in the IT infrastructure comprises moving one or more employees between: particular workspaces of the enterprise; work areas of the enterprise, each work area comprising a plurality of workspaces; or buildings of the enterprise. Gullotta discloses this limitation (see column 1: line 53 through column 2: line 10, disclosing provisioning IT resources when moving a user into a new office; column 19: line 62 through column 20: line 31, disclosing similar features). It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize O'Conner's IT change impact system to monitor and initiate moving a user into a new office, as taught by Gullotta. This combination of known elements retains the functionality of the separate elements and produces a result that would be predictable to one of ordinary skill in the art (e.g. monitoring a particular change, where the change is a change in employee location).

Art Unit: 3623

Claims 20, 21, and 24: Claims 20, 21, and 24 are substantially similar to claims 4, 5, and 8, and are rejected under similar rationale. Claims 20, 21, and 24 are directed to a non-transitory computer readable medium storing instructions for controlling a server computer to perform a method with the elements of claims 4, 5, and 8. O'Conner discloses such a computer readable medium (see paragraph 377).

Claims 10 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Conner (US 2005/0138074) in view of Official Notice.

Claim 10: O'Conner discloses wherein the deployment phase comprises user acceptance testing to determine whether one or more deployed changes in the IT infrastructure of the enterprise were successful (see paragraphs 329-330, disclosing gathering client feedback relating to the satisfaction of the outcome of the IT project). O'Conner does not explicitly disclose initiating a process to correct problems. Examiner takes Official Notice that it was well-known in the art at the time the invention was made to correct problems in response to client/customer feedback (this is the purpose of customer service departments). It would have been obvious to one of ordinary skill in the art at the time the invention was made to correct problems in response to the client feedback of O'Conner. One of ordinary skill in the art would have been motivated to do so for the benefit of increased customer satisfaction.

Claim 26: Claim 26 is substantially similar to claim 10, and is rejected under similar rationale. Claim 26 is directed to a non-transitory computer readable medium storing

Art Unit: 3623

instructions for controlling a server computer to perform a method with the elements of claim 10.

O'Conner discloses such a computer readable medium (see paragraph 377).

Claims 11-14 and 27-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Conner (US 2005/0138074) in view of Northcutt (US 2003/0126001).

Claim 11: O'Conner does not explicitly disclose the limitations of this claim. Northcutt discloses:

- receiving a change request, the change request comprising one or more of a request for a change in the IT infrastructure or a request to resolve a problem associated with the IT infrastructure (see paragraphs 46-48, disclosing project requests and service requests);
- creating an incident for the change request, the incident enabling the change request to be tracked and monitored (see paragraph 78, disclosing automatically creating a request for service number);
- determining whether to approve the change request (see paragraph 49, disclose approvals and exceptions; paragraphs 64-65, disclosing approvals);
- if the change request is approved:
 - applying one or more business rules to the change request (see paragraphs 64-65, disclosing automatically change the request type; also disclosing routing the service request to the appropriate party);
 - initiating deployment of IT infrastructure assets for fulfilling the change request (see paragraph 47, disclosing implementing IT assets in response

Art Unit: 3623

to service or project requests; paragraph 63, disclosing requests for service for information technology support; paragraph 74, disclosing providing the IT service; paragraphs 7-8).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the IT project design and implementation disclosed by O'Conner when managing the change requests of Northcutt. One of ordinary skill in the art would have been motivated to do so for the benefit of more accurate information based on the system of O'Conner (which provides a change impact analysis), to be used in the decision-making process.

Claim 12: O'Conner does not explicitly disclose the limitations of this claim. Northcutt discloses a scheduling procedure for scheduling deployment of the IT infrastructure assets for fulfilling the change request, the scheduling procedure comprising creating one or more milestones for delivery of the IT infrastructure assets for fulfilling the change request (see paragraph 60, disclosing a due date; paragraph 64, disclosing a critical date). O'Conner and Northcutt are combinable for the reasons discussed above with respect to claim 11.

Claim 13: O'Conner and Northcutt do not explicitly disclose that if a particular milestone is not met, notifying one or more appropriate individuals that the milestone was not met. Examiner takes Official Notice that it was well-known in the art at the time the invention was made to alert responsible parties when deadlines are not met. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine these well-known alerts with the deadlines of Northcutt. This combination of known elements retains the functionality of

Art Unit: 3623

the separate elements and produces a result that would be predictable to one of ordinary skill in the art (e.g. sending an alert when a deadline has passed).

Claim 14: O'Conner does not explicitly disclose the limitations of this claim. Northcutt discloses one or more follow-up procedures for determining whether the IT infrastructure assets for fulfilling the change request were properly deployed and, if the IT infrastructure assets were not properly deployed, creating a new incident for resolving problems associated with the deployment of the IT infrastructure assets (see paragraph 47, disclosing user testing and acceptance as well as sign-off). O'Conner and Northcutt are combinable for the reasons discussed above with respect to claim 11.

Claims 27-30: Claims 27-30 are substantially similar to claims 11-14, and are rejected under similar rationale. Claims 27-30 are directed to a non-transitory computer readable medium storing instructions for controlling a server computer to perform a method with the elements of claims 11-14. O'Conner discloses such a computer readable medium (see paragraph 377).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- O'Conner (2005/0137920), directed to an information technology enterprise manager and product portfolio manager application module

Art Unit: 3623

- Hsieh (US 2002/0191014), directed to graphical user interfaces for software management in an automated provisioning environment
- Gullotta (US 6,947,989), directed to provisioning resources to users based on policies, roles, organizational information, and attributes

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NEIL R. KARDOS whose telephone number is (571)270-3443. The examiner can normally be reached on Monday through Friday from 9 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Beth Boswell can be reached on (571) 272-6737. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3623

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Neil R. Kardos
Examiner
Art Unit 3623

/Neil R. Kardos/
Examiner, Art Unit 3623

/Beth V. Boswell/
Supervisory Patent Examiner, Art Unit 3623